

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SARAH JACKSON,

Plaintiff,

v.

Case No. 3:20-cv-1060-MMH-JRK

IMMANUEL BAPTIST CHURCH,
et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 31; Report) entered by the Honorable James R. Klindt, United States Magistrate Judge, on August 4, 2021. In the Report, Judge Klindt recommends that Defendants Cameron and Sarah Giovanelli's Motion to Dismiss Plaintiff's Complaint (Dkt. No. 16) and Defendant Immanuel Baptist Church's Motion to Dismiss for Failure to State a Cause of Action and Improper Pleading or, in the Alternative, Motion for More Definite Statement and Motion to Strike and Incorporated Memorandum of Law (Dkt. No. 18) be granted to the extent that the Complaint should be dismissed without prejudice and otherwise denied as moot. See Report at 15. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Report and Recommendation (Dkt. No. 31) is **ADOPTED** as the opinion of the Court.
2. Defendants Cameron and Sarah Giovanelli’s Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 16) and Defendant Immanuel Baptist Church’s Motion to Dismiss for Failure to State a Cause of Action and Improper Pleading or, in the Alternative, Motion for More Definite Statement and Motion to Strike and Incorporated Memorandum of


Law (Dkt. No. 18) are **GRANTED, in part, and DENIED as moot, in part.**

a. The motions are **GRANTED** to the extent that the Complaint (Dkt. No. 1) is **DISMISSED without prejudice** as an improper shotgun pleading.

b. Otherwise, the motions are **DENIED as moot.**

3. Plaintiff shall have up to and including **September 2, 2021**, to file a motion seeking leave to amend the Complaint, should she wish to do so. Before filing any such motion, Plaintiff is directed to confer with opposing counsel in accordance with the requirements of Local Rule 3.01(g), United States District Court, Middle District of Florida.¹

DONE AND ORDERED at Jacksonville, Florida, this 20th day of August, 2021.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

¹ Plaintiff is reminded that she must attach her proposed amended complaint to the motion seeking leave to amend if she chooses to file such a motion.